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August 8, 2025

Via ECF

The Honorable Glenn T. Suddaby, U.S.D.J.
The Honorable Daniel J. Stewart, U.S.M.J.
United States District Court
Northern District of New York
James T. Foley Courthouse
445 Broadway
Albany, New York 12207

Re: *Tom v. Delancey Street Group LLC, et al.*
Docket No.: 1:25-cv-00566-GTS-DJS
Letter-Request to Stay Discovery or Leave to File Motion

Dear Honorable Judges Suddaby and Stewart:

This firm represents Defendant Delancey Street Group LLC (“Delancey Street”) in the above-captioned matter. Delancey Street respectfully submits this letter seeking an order (1) staying discovery pending Defendant Delancey’s Motion to Dismiss, or alternatively (2) granting Delancey Street leave to file a Motion to Stay Discovery to fully brief this issue.

By way of background, on May 6 2025, Plaintiff filed a Class Action Complaint in this matter. (ECF No 1). On June 23, 2025, Delancey Street timely filed a Motion to Dismiss Plaintiff’s Class Action Complaint. (ECF Nos. 8-10). On July 14, 2025, the due date for Plaintiff to oppose Delancey Street’s Motion to Dismiss, Plaintiff filed a First Amended Complaint against Delancey Street and added an additional defendant, MJA Holdings Inc. d/b/a MCA Justice. (ECF No. 11).

On July 12, 2025, Plaintiff served discovery demands on Delancey Street, including interrogatories and requests for production of documents. In response, counsel for Delancey Street advised that beginning to engage in discovery is improper, as there is a pending Motion to Dismiss and that an additional party has been added as a defendant.

After the filing of the First Amended Complaint, on July 15, 2025, the Court entered a Text Order staying the briefing deadlines as to Delancey Street’s Motion to Dismiss and directing Delancey Street to file a letter with the Court as to the pending Motion to Dismiss. (ECF No. 13). On July 18, 2025, Delancey Street timely filed a letter advising the Court that the Motion to Dismiss remained pending and requesting a supplemental briefing schedule. (ECF No. 14).

On July 15, 2025, the Court issued a Text Order granting Delancey Street's request to supplement the Motion to Dismiss to address newly asserted facts and claims and set the following briefing deadlines: Delancey Street's supplemental brief due August 8, 2025 (which has been timely filed); Plaintiff opposition Memorandum of Law due August 29, 2025; and Delancey Street's Reply Memorandum of Law due September 5, 2025. (ECF No. 15).

Additionally, on July 27, 2025, the Court entered a Text Order adjourning the Rule 16 conference set for August 4, 2025 and the July 28, 2025 deadline for the submission of a joint Civil Case Management Plan and exchange of Mandatory Disclosures without date. (ECF No. 16). The Text Order also advises the parties that the hearing and related deadlines will be reset, if deemed necessary, after disposition of the Motion to Dismiss. (ECF No. 16).

Pursuant to Rule 33, responses to Plaintiff's first set of discovery requests are due by August 11, 2025, as they were served on July 12, 2025. However, Delancey Street respectfully submits that discovery is currently premature for several reasons, and requests that the Court enter an Order staying in discovery in its entirety, consistent with the Court's July 27, 2025 Text Order (ECF No. 16).

First, Delancey Street currently has a pending Motion to Dismiss. If the Court decides the Motion in Delancey Street's favor, Plaintiff is not entitled to the discovery sought.

Second, the Court has already Ordered that a Rule 16 conference and that the submission of a joint Civil Case Management Plan and exchange of Mandatory Disclosures be adjourned without date. (ECF 16). Therefore, it follows that the exchange of discovery should also be adjourned until after the disposition of Delancey Street's Motion to Dismiss.

Finally, Plaintiff has added a second defendant to this action – MJA Holdings Inc., d/b/a MCA Justice – which has not filed an Answer. Delancey Street respectfully submits that the exchange of discovery should be stayed until all necessary parties have entered an appearance and filed an Answer, to convene discovery in an orderly manner with all parties.

Therefore, Delancey Street respectfully requests that the Court enter an Order staying discovery pending the disposition of Delancey Street's Motion to Dismiss in accordance with the Court's Text Order of July 27, 2025 (ECF No. 16). Alternatively, Delancey Street respectfully requests that the Court grant Delancey Street leave file a Motion to Stay Discovery to fully brief this issue.

Thank you for the Court's consideration and courtesy with regard to this matter.

Respectfully submitted,
LONDON FISCHER LLP

/s/ Thomas Leghorn
Thomas A. Leghorn, Esq.
Elyse S. Schindel Esq.
Counsel for Defendant Delancey Street Group LLC